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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/590,708

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Atsushi Mae

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

NGUYEN, HUY THANH

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

10/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/590,708	Applicant(s) MAE, ATSUSHI	
	Examiner HUY T. NGUYEN	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/26/07, 8/25/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 7 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 7 directs to a program without specifying the location of the program and /or the program is stored on a computer readable medium and executed by a computer. See MPEP 2100.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamagishi et al (6,141,491).

Regarding claims 1-3, Yamagishi discloses an image playback apparatus (Figs. 3,7-9, column 13,14, column 19-20) that plays back moving picture data composed of a

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series of groups of picture data consisting of a plurality of encoded picture data, the image playback apparatus comprising:

buffering means (50) for buffering the moving picture data;

decoding means (70) for reading out and decoding the moving picture data buffered by the buffering means;

outputting means for outputting pictures decoded by the decoding means to a subsequent stage; and

controlling means (90) for controlling the buffering means to buffer, concerning a group of picture data that is played back last during a playback operation, at least picture data located at the end in a playback order, and to buffer, concerning groups of picture data except for the group of picture data that is played back last during the playback operation, picture data encoded by a predetermined encoding method, controlling the decoding means to decode, concerning the group of picture data that is played back last during the playback operation, at least the picture data located at the end in the playback order, and to decode, concerning the groups of picture data except for the group of picture data that is played back last during the playback operation, the picture data encoded by the predetermined encoding method, and controlling the outputting means to output,

concerning the group of picture data that is played back last during the playback operation, at least the picture data located at the end in the playback order, and to output, concerning the groups of picture data except for the group of picture data that is

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played back last during the playback operation, pictures corresponding to the picture data encoded by the predetermined encoding method. (columns 19-20)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagishi et al in view of Nagata (5,974,224).

Regarding claims 1-3, Yamagishi discloses an image playback apparatus (Figs. 3,7-9, column 13,14, column 19-20) that plays back moving picture data composed of a series of groups of picture data consisting of a plurality of encoded picture data, the image playback apparatus comprising:

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buffering means (50) for buffering the moving picture data;

decoding means (70) for reading out and decoding the moving picture data buffered by the buffering means;

outputting means for outputting pictures decoded by the decoding means to a subsequent stage; and

controlling means (90) for controlling the buffering means to buffer, concerning a group of picture data that is played back last during a playback operation, at least picture data located at the end in a playback order, and to buffer, concerning groups of picture data except for the group of picture data that is played back last during the playback operation, picture data encoded by a predetermined encoding method, controlling the decoding means to decode, concerning the group of picture data that is played back last during the playback operation, at least the picture data located at the end in the playback order, and to decode, concerning the groups of picture data except for the group of picture data that is played back last during the playback operation, the picture data encoded by the predetermined encoding method, and controlling the outputting means to output,

concerning the group of picture data that is played back last during the playback operation, at least the picture data located at the end in the playback order, and to output, concerning the groups of picture data except for the group of picture data that is played back last during the playback operation, pictures corresponding to the picture data encoded by the predetermined encoding method.

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Yamagishi do not teach playback the picture data in a reverse mode.

Nagata teaches a control means for reproducing the picture data in a reverse mode (backward) (Fig. 1, column 2, line 65 to column 4, line 30, and column 6, lines 39-65).

It would have been obvious to one of ordinary skill in the art to modify Yamagishi with Nitta by using a control means as taught by Nagata with Yamagishi for reproducing the recorded picture data of Yamagishi in a reverse mode thereby enhancing the capacity of the apparatus of Yamagishi for reproducing the recorded picture data with different modes.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kawakami teaches reproducing apparatus for reproducing the group of picture data .

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571)272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Q. Tran can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUY T NGUYEN/

Primary Examiner, Art Unit 2621